

BY THE

# Governor of the State of Texas

---

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

WHEREAS, The Forty-first Legislature at its Fifth Called Session passed House Bill No. 88, being "AN ACT amending Chapter 156 of the Acts of the Regular Session of the 40th Legislature of the State of Texas of 1927 relating to Administrative Judicial Districts, by providing that the State shall be divided into nine Administrative Judicial Districts, providing for the appointment and election of presiding judges, prescribing their qualifications, duties and powers, and providing for the expenses, salaries incident to the administration thereof; and declaring an emergency"; and

WHEREAS, said bill has been vetoed for the reasons set out in the following statement, which has been filed with said bill in the office of the Secretary of State:

The attached bill, House Bill Number 88, being " AN ACT amending Chapter 156 of the Acts of the Regular Session of the 40th Legislature of the State of Texas of 1927 relating to administrative judicial districts, by providing that the State shall be divided into nine administrative judicial districts, providing for the appointment and election of presiding judges, prescribing their qualifications, duties and powers, and providing for the expenses, salaries incident to the administration thereof; and declaring an emergency" is hereby vetoed.

This bill was passed to amend Chapter 156 of the general laws passed by the Fortieth Legislature, which is the Act dividing the State into certain administrative judicial districts for the purpose of facilitating the trial of cases pending in the various district courts of the State. The original Act was carefully prepared, and members of the Supreme Court gave assistance in its preparation. There are parts of this bill of doubtful constitutionality, and that the author of the bill anticipated that some of its provisions might not be valid under the Constitution is evidenced by the language of Section 14, which provides that if any part of the Act should be held to contravene the Constitution, then that the entire Act shall not fail by reason thereof, but the remaining portion shall be held valid.

This bill entirely supersedes the Act of the Fortieth Legislature, and I doubt the policy of attempting to entirely re-write the Act, though there are some needed amendments which might be adopted to strengthen the existing law.

The caption of this bill, that is House Bill Number 88, contains the following language: " providing for the appointment and election of presiding judges", and the body of the bill provides that " in addition to the various district courts heretofore created by the laws of this State, the State of Texas is hereby divided into nine districts, and each district shall

be a judicial district to be known as the administrative judicial district of Texas." Then the bill proceeds to divide the State into nine districts. I do not find any provision in the bill specifically providing for the election of a district judge in each of these nine districts, but the Constitution provides that the State shall be divided into judicial districts, and that for each district there shall be elected a judge. Without any specific provision in the bill for the election of a judge in each of these districts, the creation of the districts would, doubtless, in view of the language of the Constitution, require the election of a district judge of each of the districts. Other provisions of the bill lead me to believe that the author perhaps did not have this in contemplation.

I think the Administrative Judicial District bill as passed by the Fortieth Legislature can be employed to facilitate the trial of cases and reduce the demand for additional courts, and while I am in favor of strengthening the terms of the bill I feel that the matters pointed out above are sufficient basis for vetoing this Act.

A handwritten signature in dark ink, appearing to read "John H. Hunt". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT I,  
DAN MOODY, Governor of the State of Texas, under and by virtue of the  
authority vested in me by the Constitution and Laws of this State, have  
vetoed said Bill for the reasons stated and on file, and do hereby pro-  
claim said action to have been taken.



IN TESTIMONY WHEREOF, I have here-  
unto signed my name officially and  
caused the seal of State to be im-  
pressed hereon at Austin, Texas,  
this the 26<sup>th</sup> day of March, A. D.  
1930.

BY THE GOVERNOR:

Watt L. Samuels  
Assistant Secretary of State

Dan Moody  
Governor of Texas

REPRODUCED FROM THE  
HOLDINGS OF THE  
TEXAS STATE ARCHIVES